



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - Pt. 05 of 05

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 05/24/2005 (Per: CMH)




 The 2005 drafting file for LRB 05-1895

LRB 05-2900

LRB 05-3049


LRB 05-3052


LRB 05-3053 

were copied/added to the 2005 drafting file for

LRB 05-3066 & LRB 05-3084 (Companion Bills)



 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST**Bill**Received: **05/17/2005**Received By: **rchampag**Wanted: **Today**

Identical to LRB:

For: **Administration-Budget**By/Representing: **Johnston**This file may be shown to any legislator: **NO**Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Johnston -

Topic:

Exemptions from certain legislative rules of proceedings

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 05/17/2005	wjackson 05/17/2005		_____			State
/1			chaugen 05/17/2005	_____	lemery 05/17/2005		

FE Sent For:

<END>

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/?	rchampag	1 WLJ 5/17	5-17	5-17			

FE Sent For:

<END>

Champagne, Rick

From: Johnston, James
Sent: Monday, May 16, 2005 5:43 PM
To: Champagne, Rick
Cc: Miller, Steve
Subject: FY05 Adjustment Bill Drafting Request

Rick,

I am writing to request a new draft for our FY05 Adjustment Bill. This new drafting request is a modification to LRB draft# 2887, which repeals s.20.003 (4)(f) the statutory balance; and adds a non statutory provision to exempt the bill from provisions of s.20.003 (4) & (4m). Please draft the non statutory provision as a new independent bill draft. It is possible that we will not need to adjust the ending balance language, but we will want to include the exemption language.

Thanks,
Jim



D-Nate
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2887/1

RAC:jld:rs

10 AM

LRB-3053/1
RAE:Wlj

DOA:.....Johnston - General fund required statutory balance and exemptions from certain legislative rules of proceedings

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to repeal* 20.003 (4) (f) of the statutes; **relating to:** required general fund
2 statutory balance.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

proceeding

Insert Analysis
Current statutes contain a rule of ~~procedure~~ governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total general purpose revenue appropriations for that fiscal year. For fiscal year 2004-05, the amount is \$40,000,000. ~~This bill eliminates the required statutory balance for fiscal year 2004-05.~~

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 20.003 (4) (f) of the statutes is repealed.

1 SECTION 9130. Nonstatutory provisions; legislature.

2 (1) EXEMPTION FROM CERTAIN LEGISLATIVE RULES OF PROCEEDINGS. Section 20.003
3 (4) and (4m) of the statutes shall not apply to the actions of the legislature in enacting
4 this act.

5 (END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3053/lins
RAC:.....

Not

Insert Analysis:

Current statutes also contain a rule of proceeding that prohibits a structural imbalance in the general fund. This bill provides that both of these rules do not apply to the legislature in enacting this act.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

April 28, 2005

LRB-2887/1dr
RACjld:rs

LRB-3053/1dr
RAC:WJ

Jim Johnston:

This bill includes a nonstatutory provision, which states that s. 20.003 (4) and (4m) does not apply to the action of the legislature in enacting the bill. Please note that s. 20.003 (4) and (4m) is not legally enforceable, but rather constitutes a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedures lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ignore these nonstatutory provisions and find that s. 20.003 (4) and (4m) does in fact govern its actions in enacting the bill. For these reasons, you may wish to consider whether the nonstatutory provision is at all necessary for your bill.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3053/1dn
RAC:wlj:ch

May 17, 2005

Jim Johnston:

This bill includes a nonstatutory provision, which states that s. 20.003 (4) and (4m) does not apply to the action of the legislature in enacting the bill. Please note that s. 20.003 (4) and (4m) is not legally enforceable, but rather constitutes a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedures lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ignore these nonstatutory provisions and find that s. 20.003 (4) and (4m) does in fact govern its actions in enacting the bill. For these reasons, you may wish to consider whether the nonstatutory provision is at all necessary for your bill.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3053/1

RAC:wlj:ch

DOA:.....Johnston - Exemptions from certain legislative rules of proceedings
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT relating to: required general fund statutory balance.**

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Current statutes contain a rule of proceeding governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total general purpose revenue appropriations for that fiscal year. For fiscal year 2004-05, the amount is \$40,000,000. Current statutes also contain a rule of proceeding that prohibits a structural imbalance in the general fund. This bill provides that both of these rules do not apply to the legislature in enacting this act.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 9130. Nonstatutory provisions; legislature.**

1 (1) EXEMPTION FROM CERTAIN LEGISLATIVE RULES OF PROCEEDINGS. Section 20.003
2 (4) and (4m) of the statutes shall not apply to the actions of the legislature in enacting
3 this act.
4 (END)